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THE DIRECTV GROUP INC  
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EXAMINER

SHELEHEDA, JAMES R

ART UNIT PAPER NUMBER

2614

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/783,241	COCCHI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	James Sheleheda	2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/30/02, 10/09/03</u> | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-6, 11, 12, 14, 16-19, 24, 25, 27, 29-32, 37 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakano et al. (Nakano) (US202/0055847A1).

As to claim 1, Nakano discloses a method of delivering purchase information (Fig. 6) comprising:

storing purchase information (on a smart card; paragraph 25) for a purchase of a user (a serial number to enable a purchase, and the website the purchase takes place at; paragraph 30 and paragraph 33, lines 6-12) in a set top box (wherein the card is contained in the set top; see Fig. 5; paragraph 30), wherein the set top box is configured to:

receive broadcast signals (paragraph 22, lines 1-7) through a tuner (wherein a tuner is inherently present to tune to a broadcast channel; paragraph 22, lines 4-7); and

enable a presentation device (television 12) connected to the set top box (Fig. 1) to display the broadcast signals (paragraph 22, lines 1-7);

automatically obtaining a connection (the set top makes a connection when the card is entered; paragraph 34, lines 1-3) to the Internet (Fig. 5; paragraph 26, lines 1-8) using a communication module (a modem; paragraph 26, lines 5-8) of the set top box (paragraph 26, lines 5-8) without the user requesting the connection (wherein connection takes place upon entry of the card; paragraph 33, lines 6-12 and paragraph 34, lines 1-3), wherein the communication module is different the tuner;

establishing a secure electronic connection (with DB2; paragraph 34, lines 1-9) with a server (server, 46 containing DB2; paragraph 30, lines 1-5) through the connection to the Internet (paragraph 26, lines 1-9); and

transmitting the purchase information (paragraph 34, lines 6-15) from the set top box (wherein the connection is made from the set top modem; paragraph 26, lines 5-8) through the secure electronic connection to the server (to server, 46; paragraph 34, lines 6-15).

As to claim 14, Nakano discloses a system for delivering purchase information (Fig. 6) comprising:

purchase information (on a smart card; paragraph 25) for a purchase of a user (a serial number to enable a purchase; paragraph 30) wherein the set top box is configured to:

receive broadcast signals (paragraph 22, lines 1-7) through a tuner (wherein a tuner is inherently present to tune to a broadcast channel; paragraph 22, lines 4-7); and

enable a presentation device (television 12) connected to the set top box (Fig. 1) to display the broadcast signals (paragraph 22, lines 1-7);

store the purchase information (paragraph 34, lines 3-5);

automatically obtain a connection (the set top makes a connection when the card is entered; paragraph 34, lines 1-3) to the Internet (Fig. 5; paragraph 26, lines 1-8) using a communication module (a modem; paragraph 26, lines 5-8) of the set top box (paragraph 26, lines 5-8) without the user requesting the connection (wherein connection takes place upon entry of the card; paragraph 33, lines 6-12 and paragraph 34, lines 1-3), wherein the communication module is different the tuner;

establish a secure electronic connection (with DB2; paragraph 34, lines 1-9) with a server (server, 46 containing DB2; paragraph 30, lines 1-5) through the connection to the Internet (paragraph 26, lines 1-9); and

transmit the purchase information (paragraph 34, lines 6-15) from the set top box (wherein the connection is made from the set top modem; paragraph 26, lines 5-8) through the secure electronic connection to the server (to server, 46; paragraph 34, lines 6-15).

As to claim 27, Nakano discloses an article of manufacture for delivering purchase information (Fig. 6) comprising:

means for a set top box (Fig. 1; 10) connectable to a presentation device (Fig. 1; 12) to receive broadcast signals (paragraph 22, lines 1-7) through a tuner (a tuner is inherently present to tune to a broadcast channel; paragraph 22, lines 4-7);

means for the set top box (10) to enable the presentation device (television, 12) to display the broadcast signals (paragraph 22, lines 1-7);

means for the set top box to store purchase information (on a smart card; paragraph 25) for a purchase of a user (a serial number to enable a purchase; paragraph 30 and paragraph 34, lines 1-5);

means (a modem; paragraph 26, lines 1-9) for the set top box to automatically obtain a connection (the set top makes a connection when the card is entered; paragraph 34, lines 1-3) to the Internet (Fig. 5; paragraph 26, lines 1-8) using a communication module (a modem; paragraph 26, lines 5-8) of the set top box (paragraph 26, lines 5-8) without the user requesting the connection (wherein connection takes place upon entry of the card; paragraph 33, lines 6-12 and paragraph 34, lines 1-3), wherein the communication module is different the tuner;

means (a modem; paragraph 26, lines 1-9) for the set top box to establish a secure electronic connection (with DB2; paragraph 34, lines 1-9) with a server (server, 46 containing DB2; paragraph 30, lines 1-5) through the connection to the Internet (paragraph 26, lines 1-9); and

means (a modem; paragraph 26, lines 1-9) for the set top box to transmit the purchase information (paragraph 34, lines 6-15) from the set top box (wherein the connection is made from the set top modem; paragraph 26, lines 5-8) through the secure electronic connection to the server (to server, 46; paragraph 34, lines 6-15).

As to claims 3, 16 and 29, Nakano discloses wherein the purchase information relates to an electronic commerce transaction (paragraph 31).

As to claims 4, 17 and 30, Nakano discloses wherein the presentation device is a television (paragraph 22, lines 1-7).

As to claims 5, 18 and 31, Nakano discloses wherein the purchase information is stored in a smart card (paragraph 29 and paragraph 33, lines 6-12).

As to claims 6, 19, and 32, Nakano discloses wherein the purchase information is stored in a renewable security module (a programmable smart card; paragraph 29; paragraph 33, lines 6-12 and paragraph 37).

As to claims 11, 24 and 37, Nakano discloses wherein the server is a broadcast satellite operator's Internet server (wherein ISP host 22 broadcasts data with satellite television signals; paragraph 22, lines 10-15 and paragraph 23, lines 1-3).

As to claims 12, 25 and 38, Nakano discloses receiving additional information in the set top box through the secure electronic connection (additional preferred customer information; paragraph 37).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 9, 15, 22, 28 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano.

As to claims 2, 15 and 28, while Nakano wherein the purchase information relates to an electronic commerce transaction (paragraph 31), he fails to specifically disclose pay per view programs.

The examiner takes Official Notice that it is notoriously well known in the art to allow a television set top box to transmit purchasing information relating to pay per view programs for the typical benefit of enabling television viewers to order any television pay per view programming they have an interest in.



It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Nakano's system to include pay per view programs for the typical benefit of allowing home television viewers to easily order pay per view programming they want to watch.

As to claims 9, 22 and 35, while Nakano discloses wherein the automatically obtaining a connection comprises:

if an Internet connection is currently established (to allow transmission over the Internet; paragraph 32), automatically (paragraph 32, lines 4-7) obtaining a new transmission protocol/internet protocol (TCP/IP) connection (wherein an Internet connection is in TCP/IP protocol; paragraph 32) through the communication module using the established Internet connection (paragraph 26, lines 5-12), he fails to specifically disclose determining if an Internet connection is currently established.

The examiner takes Official Notice that it is notoriously well known in the art to include means to determine if a system currently has an established Internet connection for the typical benefit of avoiding failed data transmissions due to a lack of an Internet connection.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Nakano's system to include determining if an Internet connection is currently established for the typical benefit of avoiding failed attempts to conduct a shopping transaction due to a lack of an Internet connection.

5. Claims 7, 8, 20, 21, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano as applied to claim 1, 14 and 27 above, and further in view of Hayward et al. (Hayward) (US2003/0023703).

As to claims 7, 20 and 33, while Nakano discloses the set top box automatically connecting to a computer (DB2; paragraph 30, lines 1-5), without the user requesting a connection (the set top automatically makes a connection when the card is entered; paragraph 34, lines 1-3), using the communications module (a modem connecting through telephone lines to the Internet; paragraph 26; lines 5-14), wherein the communications module is a modem (paragraph 26; lines 5-14), he fails to specifically disclose receiving a local phone number, dialing the local phone number and establishing a connection to the Internet through a computer that answers the dialed local phone number.

In an analogous art, Hayward discloses a computer system (Fig. 2) wherein a local telephone number provided to the user system (paragraph 20, lines 10-12) is dialed to make a connection (to the POP; paragraph 20, lines 6-15) using a modem (34) to establish a connection to the Internet through a computer (the POP connecting to the Internet backbone; paragraph 20, lines 4-21) that answers the dialed phone number (paragraph 20, lines 4-8) for the typical benefit of providing a means for a user to connect to the Internet through their phone line (paragraph 20, lines 1-8).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Nakano's system to include receiving a local phone number, dialing the local phone number and establishing a connection to the Internet

through a computer that answers the dialed local phone number, as taught by Hayward, for the typical benefit of allowing a user a simple way to connect to the Internet through a local phone number.

As to claims 8, 21 and 34, Nakano and Hayward disclose wherein the local phone number is associated with an Internet service provider (see Hayward at paragraph 20, lines 1-6).

6. Claims 10, 23 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano as applied to claims 9, 22 and 35 above, and further in view of Kuo (US2003/0120615).

As to claims 10, 23 and 36, while Nakano discloses a secure electronic connection (paragraph 34, lines 6-9), he fails to specifically disclose utilizing a secure socket layer (SSL) protocol.

In an analogous art, Kuo discloses a system for online transactions (Fig. 1) wherein a consumer initiates an online transaction (paragraph 58, lines 1-4) and transmits their order online to a merchant (paragraph 58, lines 1-4) using SSL protocol (paragraph 58, lines 5-7) for the typical benefit of providing protected encrypted transactions (paragraph 58, lines 5-7).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Nakano's system to include utilizing a secure socket

layer (SSL) protocol, as taught by Kuo, for the typical benefit of providing extra protection to Internet transaction through SSL encryption.

7. Claims 13, 26 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano in view of Yuen et al. (Yuen) (WO 97/31479).

As to claim 13, while Nakano discloses a method of delivering purchase information (Fig. 6) comprising:

storing purchase information (on a smart card; paragraph 25) for a purchase of a user (a serial number to enable a purchase, and the website the purchase takes place at; paragraph 30 and paragraph 33, lines 6-12) in a set top box (wherein the card is contained in the set top; see Fig. 5; paragraph 30), wherein the set top box is configured to:

receive broadcast signals (paragraph 22, lines 1-7) through a tuner (wherein a tuner is inherently present to tune to a broadcast channel; paragraph 22, lines 4-7); and

enable a presentation device (television 12) connected to the set top box (Fig. 1) to display the broadcast signals (paragraph 22, lines 1-7);

automatically obtaining a connection (the set top makes a connection when the card is entered; paragraph 34, lines 1-3) to the Internet (Fig. 5; paragraph 26, lines 1-8) using a communication module (a modem; paragraph 26, lines 5-8) of the set top box (paragraph 26, lines 5-8) without the user requesting the connection (wherein connection takes place upon entry of the

card; paragraph 33, lines 6-12 and paragraph 34, lines 1-3), wherein the communication module is different the tuner;

establishing a secure electronic connection (with DB2; paragraph 34, lines 1-9) with a server (server, 46 containing DB2; paragraph 30, lines 1-5) through the connection to the Internet (paragraph 26, lines 1-9); and

transmitting the purchase information (paragraph 34, lines 6-15) from the set top box (wherein the connection is made from the set top modem; paragraph 26, lines 5-8) through the secure electronic connection to the server (to server, 46; paragraph 34, lines 6-15),

he fails to specifically disclose establishing a connection to a data paging network.

In an analogous art, Yuen discloses an interactive cable television system (Fig. 1; page 5, lines 4-12) wherein a television set top box (12) will connect to a pager network (page 5, lines 27-34) for the typical benefit of providing communications for low cost (page 5, lines 22-26) using existing infrastructure (page 5, lines 20-21).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Nakano's system to include establishing a connection to a data paging network, as taught by Yuen, for the typical benefit of providing a set top box which can establish a connection to an external network at low cost using existing communications infrastructure.

As to claim 26, while Nakano discloses a system for delivering purchase information (Fig. 6) comprising:

purchase information (on a smart card; paragraph 25) for a purchase of a user (a serial number to enable a purchase; paragraph 30) wherein the set top box is configured to:

receive broadcast signals (paragraph 22, lines 1-7) through a tuner (wherein a tuner is inherently present to tune to a broadcast channel; paragraph 22, lines 4-7); and

enable a presentation device (television 12) connected to the set top box (Fig. 1) to display the broadcast signals (paragraph 22, lines 1-7);

store the purchase information (paragraph 34, lines 3-5);

automatically obtain a connection (the set top makes a connection when the card is entered; paragraph 34, lines 1-3) to the Internet (Fig. 5; paragraph 26, lines 1-8) using a communication module (a modem; paragraph 26, lines 5-8) of the set top box (paragraph 26, lines 5-8) without the user requesting the connection (wherein connection takes place upon entry of the card; paragraph 33, lines 6-12 and paragraph 34, lines 1-3), wherein the communication module is different the tuner;

establish a secure electronic connection (with DB2; paragraph 34, lines 1-9) with a server (server, 46 containing DB2; paragraph 30, lines 1-5) through the connection to the Internet (paragraph 26, lines 1-9); and

transmit the purchase information (paragraph 34, lines 6-15) from the set top box (wherein the connection is made from the set top modem; paragraph 26, lines 5-8) through the secure electronic connection to the server (to server, 46; paragraph 34, lines 6-15),

he fails to specifically disclose establishing a connection to a data paging network.

In an analogous art, Yuen discloses an interactive cable television system (Fig. 1; page 5, lines 4-12) wherein a television set top box (12) will connect to a pager network (page 5, lines 27-34) for the typical benefit of providing communications for low cost (page 5, lines 22-26) using existing infrastructure (page 5, lines 20-21).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Nakano's system to include establishing a connection to a data paging network, as taught by Yuen, for the typical benefit of providing a set top box which can establish a connection to an external network at low cost using existing communications infrastructure.

As to claim 39, Nakano discloses an article of manufacture for delivering purchase information (Fig. 6) comprising:

means for a set top box (Fig. 1; 10) connectable to a presentation device (Fig. 1; 12) to receive broadcast signals (paragraph 22, lines 1-7) through a tuner (a tuner is inherently present to tune to a broadcast channel; paragraph 22, lines 4-7);

means for the set top box (10) to enable the presentation device (television, 12) to display the broadcast signals (paragraph 22, lines 1-7);

means for the set top box to store purchase information (on a smart card; paragraph 25) for a purchase of a user (a serial number to enable a purchase; paragraph 30 and paragraph 34, lines 1-5);

means (a modem; paragraph 26, lines 1-9) for the set top box to automatically obtain a connection (the set top makes a connection when the card is entered; paragraph 34, lines 1-3) to the Internet (Fig. 5; paragraph 26, lines 1-8) using a communication module (a modem; paragraph 26, lines 5-8) of the set top box (paragraph 26, lines 5-8) without the user requesting the connection (wherein connection takes place upon entry of the card; paragraph 33, lines 6-12 and paragraph 34, lines 1-3), wherein the communication module is different the tuner;

means (a modem; paragraph 26, lines 1-9) for the set top box to establish a secure electronic connection (with DB2; paragraph 34, lines 1-9) with a server (server, 46 containing DB2; paragraph 30, lines 1-5) through the connection to the Internet (paragraph 26, lines 1-9); and

means (a modem; paragraph 26, lines 1-9) for the set top box to transmit the purchase information (paragraph 34, lines 6-15) from the set top box (wherein the connection is made from the set top modem; paragraph 26, lines 5-8) through the secure electronic connection to the server (to server, 46; paragraph 34, lines 6-15),



he fails to specifically disclose establishing a connection to a data paging network.

In an analogous art, Yuen discloses an interactive cable television system (Fig. 1; page 5, lines 4-12) wherein a television set top box (12) will connect to a pager network (page 5, lines 27-34) for the typical benefit of providing communications for low cost (page 5, lines 22-26) using existing infrastructure (page 5, lines 20-21).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Nakano's system to include establishing a connection to a data paging network, as taught by Yuen, for the typical benefit of providing a set top box which can establish a connection to an external network at low cost using existing communications infrastructure.

### ***Conclusion***

8. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

### **Certificate of Mailing**

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (703) 305-8722. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Sheleheda  
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